INTRODUCTORY COMMENTS

Commissioner for Patents:

In response to the Second Requirement for Information mailed June 7, 2005 (herein after referred to as the "Second Requirement for Information"), please extend the period of time for response two months, to expire on October 7, 2005. Enclosed are a Petition for an Extension of Time and the requisite fee. Applicant submits the following response.

For clarity, the separate portions of the Second Requirement for Information have been numbered and will be discussed in the sequence presented in the Second Requirement for Information.

1.   The Second Requirement for Information notes that Applicant recited: "Public discussion has recently included some of the concepts behind applicant's invention's processing of remote computer's hidden header data in the current communication to determine user information. This is identified in the Abstract of the Disclosure as follows: 'As one of the remote computers is in current communication with the host computer, the customer data collector collects and analyzes data from the remote computer including search requests, uniform resource locators (URLs), and hidden data.'"

The Second Requirement for Information asks: "Is the collection of data, analysis of collected data form a remote computer including search requests, uniform resource locators (URLs), and hidden data applicant's invention, or, it would been obvious to one of ordinary skill I the art at the time of invention to analyze collected data from a remote computer."

To the extent the requirement for information is understood, applicant responds that yes, the collection of data, analysis of collected data from a remote computer including search requests, uniform resource locators (URLs), and hidden data is applicant's invention in the context of the system of applicable pending claims 48-105 and 113-135; and that no, it would not have been obvious to analyze collected data from a remote computer to determine shopper characteristics in the context of the system of applicable pending claims 48-105 and 113-135 considering all elements thereof in combination.

2.   The Second Requirement for Information notes that Applicant provided information from the website GRC.com, authored by Steve Gibson, and recited: "applicant claims the use of the 'hidden header data' to determine the geographic location of a shopper as disclosed in the application filed February 18, 2000, and as Mr. Gibson's

discussion above suggests is possible, 'reverse DNS may disclose your geographic location' [using header data from the current communication]."

The Second Requirement for Information asks: "Is usage of reverse DNS applicant's invention, or, it would have been obvious to one of ordinary skill in the art at the time of invention to use Reverse DNS to identify customers location."

To the extent the requirement for information is understood, applicant responds that yes, the usage of reverse DNS is applicant's invention in the context of the system of applicable pending claims 48-105 and 113-135; and that no, it would not have been obvious to use Reverse DNS to identify customer location in the context of the system of applicable pending claims 48-105 and 113-135 considering all elements thereof in combination. It is noted that the information cited from Mr. Gibson's website in applicant's prior Response to Requirement for Information was posted in 2004, well after applicant's filing date.

3.   The Second Requirement for Information notes that Applicant recited: "At the request of the Examiner to provide a concrete and useful example of the patent claims, applicant constructed the demonstration website 'discountcenter.us' which the Examiner visited on November 12, 13 and 14, 2003, and where applicant demonstrated that using the present invention the host system was able to determine the Examiner's geographic location (VA) and his affiliation (FTS2001/US Patent & Trade), without cookies or prior data."

The Second Requirement for Information asks again: "Is usage of reverse DNS applicant's invention, or, it would have been obvious to one of ordinary skill in the art at the time of invention to use Reverse DNS to identify customer location."

To the extent the requirement for information is understood, applicant responds again that yes, the usage of reverse DNS is applicant's invention in the context of the system of applicable pending claims 48-105 and 113-135; and that no, it would not have been obvious to use Reverse DNS to identify customer location in the context of the system of applicable pending claims 48-105 and 113-135 considering all elements thereof in combination. It is noted that the first industry disclosure known to applicant of the use of Reverse DNS to identify geographic location is the 2002 website http://web.archive.org/web/20020117115525/http://www.dnsstuff.com/. No suggestions are made about customizing screens based on information lookup, etc.

4.   The Second Requirement for Information notes that Applicant recited: "More generally, Applicant's claims involve the use of header data (network address, referrer, prior

website, search engine search string, domain name and software on the remote computer) to look-up user information to generate customized product selection. It is interesting to note that Mr. Gibson likens the use of hidden header data to a 'supercookie over which you have no control.'"

The Second Requirement for Information asks again: "Is use of supercookies applicant's invention, or, it would have been obvious to one of ordinary skill in the art to use supercookie to identify customer information. Also, where in the application originally filed 22 February 2000, applicant has disclosed supercookie."

First, it is noted that "supercookie" is a recent term believed coined by Mr. Gibson in 2004 long after applicant's filing date and not used in applicant's application or pending claims. To the extent "supercookie" includes hidden header data such as network address, referrer, prior website, search engine search string, domain name and software on the remote computer (as described in applicant's application), to the extent the requirement for information is understood, applicant responds that yes, the usage of such hidden header data is applicant's invention in the context of the system of applicable pending claims 48-105 and 113-135; and that no, it would not have been obvious to use such hidden header data to identify customer information in the context of the system of applicable pending claims 48-105 and 113-135 considering all elements thereof in combination.

As noted, applicant's application and pending claims do not use the term "supercookie"; however, hidden header data of the type being discussed is found in applicant's application at numerous places, including at least page 4, lines 23-24; page 4, line 28-page 5, line 3; page 14, line 11-page 15, line 28; page 26, lines 6-8; page 16, original claim 1; page 17, original claim 9; page 19, original claim 12; page 20, original claim 17; page 20, original claim 18; page 20, original claim 19; page 21, original claim 21; page 22, original claim 23; page 22, original claim 24; and page 23, original claim 25.

5. The Second Requirement for Information notes that Applicant recited: "Applicant's invention does not require use of information stored on the remote system (cookies) and applicant's invention can determine information concerning the remote computer system even if it does not allow cookies. Applicant's invention is based on using hidden header data along with private and public databases to determine 'shopper characteristics' for the user of the remote system; the use of this header data can be done on a first visit before the user has been cookied."

The Second Requirement for Information asks: "As requested earlier, is using Reverse DNS to identify customer related information applicant's invention? Also, where in the application originally filed 22 February 2000 is the disclosure of public and private databases, and how the applicant accesses these databases."

To the extent the requirement for information is understood, applicant responds that yes, the usage of Reverse DNS to identify customer related information is applicant's invention in the context of the system of applicable pending claims 48-105 and 113-135.

As to the disclosure of public and private databases, applicant first wishes to clarify the terminology used in applicant's prior Response to Requirement for Information. The terminology "public database" was intended to refer to the repository of DNS information available on the Internet to the public. Also see the discussion in paragraph 8 (c) below. Use of that "public database" is found in applicant's application at least at page 4, line 28-page 5, line 3. With respect to the "private database", that terminology was intended to refer to the "shopper"/"customer" database discussed in applicant's application at numerous places, including at least page 6, line 23-page 7, line 8; page 8, line 24-28; page 9, line 24-page 10, line 4; page 12, line 28-page 13, line 3; page 15, lines 18-24; and in various ones of the original claims, such as original claim 1 by way of example; and shown in Figure 1 of applicant's application.

With respect to how applicant accesses these databases, applicant's method of access to the databases is discussed on page 14, lines 6-10. A person of ordinary skill in the art would know how to access these databases. Accessing the DNS "database" is well know in the art.

6. The Second Requirement for Information notes that Applicant recited: "The applicant's invention does not claim the header fields or any set of header fields per se. The end purpose of applicant's invention is not determining header data provided by the remote system; applicant's invention combines header data with private and public information for the purpose of determining user information to customize shopper screens, which was non-obvious (and now 5 years later is just being discussed)."

The Second Requirement for Information asks: "As requested earlier, where in the application originally filed 22 February 2000 is the disclosure of public and private databases, and how the applicant accesses these databases."

In response, please see the statements made above in response to the Second Requirement for Information numbered 5 which asks for the identical information.

7.   The Second Requirement for Information notes that Applicant recited: "Applicant does not use information stored on user's computer but uses hidden header data from the current communication to indirectly determine the user's shopper characteristics .... In the application originally filed 22 February 2000, applicant recites [in the application at page 12]:

'Examples of such hidden data include the cookie data 123b on the remote computer 122 or data stored in other files on the storage 123 of the remote computer 122. Cookies were originally designed to permit servers to save information on a client computer between invocations of a web browser.'
[in the application at page 13]:

'Hidden data may include past buying history (*i.e.*, merchandise previously purchased), past searching history (*i.e.*, search terms previously used) or a combination of both of these (*i.e.*, did any prior search result directly lead to a purchase).'"

The Second Requirement for Information asks: "Where in the application is the disclosure for using hidden header data?"

Hidden header data is found in applicant's application at numerous places, including at least page 4, lines 23-24; page 4, line 28-page 5, line 3; page 14, line 11-page 15, line 28; page 26, lines 6-8; page 16, original claim 1; page 17, original claim 9; page 19, original claim 12; page 20, original claim 17; page 20, original claim 18; page 20, original claim 19; page 21, original claim 21; page 22, original claim 23; page 22, original claim 24; and page 23, original claim 25.

8.   The Second Requirement for Information further asks that in response the following information be provided:

(a) "Whether the example of information as disclosed in the originally filed specification is applicant's invention, or, at the time of information this information was made available by user's computer system which could be accessed by one of ordinary skill in the art."

To the extent this requirement for information is understood, applicant does not claim use of the information (cookies) on the user's computer alone is the invention, but claims the use of the Internet header fields in the current communication is novel in the context of the

system of applicable pending claims 48-105 and 113-135. The header data could be accessed by one of ordinary skill, but use of this header data to determine shopper characteristics and to customize product and service offerings via a tailored store screen, is novel.

(b) "If applicant is not using the information stored on user's computer, how does the applicant formulate tailored screens."

To the extent this requirement for information is understood, as just stated above, a novel aspect of the system of applicable pending claims 48-105 and 113-135 is the use of the Internet header data to determine shopper characteristics and to customize product and service offerings via a tailored store screen.

(c) "Applicant is requested to provide more detailed information on Reverse DNS."

A description of Reverse DNS was previously provided in the discussion of the website GRC.com authored by Steve Gibson in applicant's prior Response to Requirement for Information. However, applicant has searched for a source of additional information on Reverse DNS previously not in applicant's possession in order to assist the Examiner and provides herewith the following discussion of "Reverse DNS - IP address to host information lookup":

The ability to perform "DNS host information look-up" (also called "Reverse DNS" or "rDNS") goes back to 1987 at the time of the specification for ARPANET, the predecessor and basis of the Internet. See ftp://ftp.isi.edu/in-notes/rfc1034.txt (Network Working Group, P. Mockapetris, Request for Comments: 1034, November 1987) "DOMAIN NAMES - CONCEPTS AND FACILITIES". Page 29 discusses "Host address to host name translation" and "resolver internals".

http://www.dnsstuff.com/info/revdns.htm "How Reverse DNS Works" is a modern discussion concerning algorithms for accomplishing rDNS. In particular, this article suggests the use of public databases ("In almost all cases, the root servers will refer the DNS resolver to a 'RIR' ('Regional Internet Registry'). These are the organizations that allocate IPs. In general, ARIN handles North American IPs, APNIC handles Asian-Pacific IPs, and RIPE handles European IPs.") Concerning areas of application, the article's "Basic Concepts" states: "Mail servers with no reverse DNS will have a hard time getting mail to certain large ISPs" (see U.S. Patent No. 6,321,267), and no suggestions are made about customizing screens based on information lookup etc.

http://www.6bone.net/6bone_reverse_dns.html This article from June 1999 discussed algorithms for reverse DNS and "weakness in the delegation process"; no suggestions are made about customizing screens based on information lookup, etc.

http://web.archive.org/web/20020117115525/http://www.dnsstuff.com/ This is the first use of geographic lookup based on IP found - it was in 2002. No suggestions are made about customizing screens based on information lookup, etc.

(d) "All material, bound text or publication and any known publications, papers, brochures, manual and press releases that describe using Reverse DNS, URLs, HTTP or any other protocols for generating tailored store screens."

Applicant knows of no such material describing use for generating tailored store screens.

(e) "Provide a list of keywords that are helpful in locating publications related to the disclosed art of formulating tailored store screens."

In applicant's prior Response to Requirement for Information, Applicant provided a list of keywords in response to the identical requirement for information. In an attempt to be helpful beyond the requirements of Rule 105, applicant has formulated additional keywords, as follows:

1.   "Internet protocol" AND network AND "geographical location" AND shopper AND characteristic AND "ip address" AND database AND DNS AND reverse AND "http header"

2.   Internet AND commerce AND network AND address AND user AND location AND http AND ip AND protocol AND header AND geographical AND shopper AND characteristic AND "ip address" AND "database" AND "DNS" AND "product" AND "selection" AND "advertising"

3.   Internet AND commerce AND network AND address AND user AND location AND http AND ip AND protocol AND header AND geographical

Applicant attempted its own search using these keywords and found no relevant information. Of course, the Examiner may search additional resources and use variations of the keyword combinations provided.
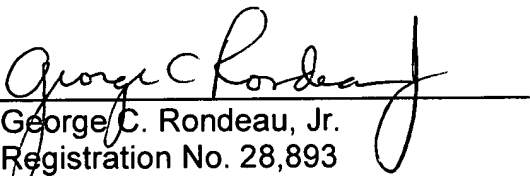
Conclusion:

Applicant believes he has made a good faith response to this Second Requirement for Information under 37 CFR 1.105.

Applicant also believes that all pending claims of the application are allowable and earnestly requests that prosecution of this application on the merits continue without additional delay and further loss of patent term.

If additional fees are believed necessary, the Commissioner is further authorized to charge any deficiency or credit any overpayment to Deposit Account No. 04-0258.

If questions remain regarding this application, the Examiner is invited to contact the undersigned at (206) 628-7739.

Respectfully submitted,
Richard A. Leeds
DAVIS WRIGHT TREMAINE LLP

By _____
George C. Rondeau, Jr.
Registration No. 28,893

Enclosure:
    Postcard

2600 Century Square
1501 Fourth Avenue
Seattle, WA 98101-1688
Phone: (206) 628-3150
Facsimile: (206) 628-7699